

**IN THE CHANCERY COURT FOR
WASHINGTON COUNTY, TENNESSEE AT JONESBOROUGH**

BOBBY MacBRYAN GREEN

Plaintiff,

vs.

Civil Action No. 41049

**JODI JONES, HOWELL SHERROD,
BETTY ANN POLAHA, and
MARY LEE JONDAHL**

Defendants.

ANSWER

Come the defendants, Jodi Jones, Betty Ann Polaha and Mary Lee Jondahl and for Answer to the complaint heretofore filed against them would show unto this Honorable Court the following:

1. That Paragraph 1 of the original complaint constitutes a request for relief which would appear to be inappropriate and unavailable to the plaintiff, Bobby

~~MacBryan Green (hereinafter referred to as "Green").~~

2. That it is admitted that all parties are members of Southside Neighborhood Organization (hereinafter referred to as "SNO") and that Exhibit 1 is the Bylaws of SNO and the Bylaws speak for themselves.

3. That the allegations in Paragraph 3 relating to the age and residence of the plaintiff are admitted.

4. That the allegations in Paragraph 4 are denied in that Green has been removed as the President of SNO after he was requested to resign by a unanimous vote of all SNO members present on the 20th day of June, 2011 due to his inappropriate and

disruptive conduct for approximately one year. It is admitted that Green is still a member of the SNO Executive Board by virtue of being the chairman of a standing committee but he is not the presiding officer of the Executive Board, which would be Jodi Jones, President of SNO.

5. That the allegations in Paragraph 5 are admitted and Jodi Jones is President of SNO because Green was removed as President on Sunday, June 26, 2011 when SNO followed all procedures set forth in its Bylaws; met; and, removed Green from the office of President of SNO by the appropriate number of votes and with the appropriate number of members of the Executive Committee voting. There were no votes to keep Green as President.

6. That the allegations in Paragraph 6 of the Complaint are admitted and Betty Ann Polaha voted to remove Green as President.

7. That the allegations in Paragraph are admitted and Mary Lee Jondahl voted to remove Green as President.

8. That the allegations in Paragraph 8 are admitted.

9. That the allegations in Paragraph 9 are denied in that the e-mail attached as Exhibit 3 did not come from Sherrod as alleged but came from Jodi Jones, the elected Vice-President of SNO at the time it was sent.

10. That the allegations in Paragraph 10 are admitted in that an Executive Board meeting was set on Sunday, June 26, 2011 and all requirements of the SNO Bylaws were met at which time Green was voted out of the office of President by unanimous vote comprising more than 75% of the members of the Executive Committee as required by the Bylaws.

11. That the allegations in Paragraph 11 of the complaint are denied and have no relevance to the instant lawsuit. Green attempted to falsify the minutes by amendment claiming such false information should be included in the minutes which was voted down unanimously by all attendees.

12. That the allegations in Paragraph 12 are denied as inappropriate, nonsensical and have no application to Green's claim for relief and ignores the fact that Green has already been removed from office and Jodi Jones is the President of SNO.

13. That the allegations in Paragraph 13 are denied and it would be showed that the vote asking Green to resign was unanimous of those present and voting with only one abstention, suggesting that Green resign. This is a far cry from Green's misstatement that the opinion of only a small fraction of the SNO membership was the reason he was asked to resign. Furthermore, it is denied that Jones or any other member present at the meeting in which Green was removed from office represented anything but a unanimous vote to remove Green by the Executive Committee pursuant to the Bylaws of SNO based on Green's disruptive and inappropriate behavior that had gone on for approximately a year. Green's behavior continues to confirm that he was incapacitated and unable to carry out the responsibilities of the office of President.

14. That the allegation in Paragraph 14 is inapplicable in the instant situation and should same become applicable, strict proof is demanded thereof.

15. That the allegation in Paragraph 15 is a conclusion outside of the knowledge of Green and Green's interpretation is wrong although Green was discharged by a vote of 100% of all votes cast.

16. That the allegations in Paragraph 16 are denied and should same become material strict proof is demanded thereof.

17. That the allegations in Paragraph 17 are denied except for the admission that Green concedes that if he were removed which he has been, "...it is unlikely that a Court could restore him to office before expiration of his current term."

18. That the allegations in Paragraph 18 are denied but should same become material hereto, strict proof is demanded thereof.

19. That the allegations in Paragraph 19 appear to be a second request for relief which is inappropriate and outside the purview of this Honorable Court, since the allegations on which relief has been sought have already occurred rendering any judgment moot.

20. Now addressing the issue relating to a "Petition for Restraining Order", Green's request is moot since Green has already been removed as President of the SNO.

21. Subsequently a document titled "Amendment of Pleading" dated 6-24-11, sent 6-27-11, and received 6-28-11 by Sherrod in which Green apologizes to the Court for his use of "improvident words" which he claims should "never have been included in any filed document". The facts in the Amendment are denied and should same become material strict proof is demanded thereof.

WHEREFORE, Defendants demand that Green's Complaint and Petition as amended be dismissed and that they be allowed to go forth with their costs.

WHEREFORE Defendants now assume the position of Counter-Plaintiffs and would show unto this Honorable Court in support of their Counterclaim the following:

22. That Green has continued his disruptive behavior by sending e-mails to members of the SNO claiming to still be president and disrupting meetings with unfounded objections relating to his claim of still being president.

23. Green's continued harassment of SNO members and officers is intentionally calculated to harass, embarrass, and intimidate the members of SNO without any appropriate factual basis.

WHEREFORE Defendants demand judgment against Green for compensatory and punitive damages in an amount not to exceed Fifty Thousand Dollars (\$50,000.00) per person plus attorney fees and costs.

Respectfully submitted,

Jodi Jones, Betty Ann Polaha, and Mary Lee
Jondahl

By



Howell H. Sherrod, Jr., BPR No. 842

~~Attorney for Defendants~~

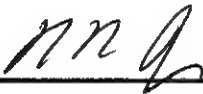
SHERROD, GOLDSTEIN & LEE
249 East Main Street
Johnson City, Tennessee 37604
(423) 928-8321

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of this pleading has been served upon counsel for all parties of interest in this case by delivering a true and exact copy of said pleading to the offices of said counsel in person or by placing a true and exact copy of said pleading in the United States Mail, addressed to said counsel at his office, with sufficient postage thereon to carry same to its destination.

This the 26th day of July, 2011.

SHERROD, GOLDSTEIN & LEE

By 

Copy to:

Thomas C. Jessee
JESSEE & JESSEE
Post Office Box 997
412 East Unaka Avenue
Johnson City, TN 37605-0997

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Defendants.

MOTION TO DISMISS

Come the defendants, Jodi Jones, Betty Ann Polaha, and Mary Lee Jondahl, by and through their attorney, Howell H. Sherrod, Jr., and move the Court to dismiss the complaint heretofore filed against them for failure to state a claim on which relief can be granted and would show unto this Honorable Court in support of this motion the

following:

1. That the entire Complaint assumes that the plaintiff, Bobby MacBryan Green (hereinafter referred to as "Green"), is still the President of the Southside Neighborhood Organization (hereinafter referred to as "SNO").
2. That Green was removed as President on June 26, 2011 by appropriate action of the Executive Committee under its Bylaws.
3. That affidavits to this effect from Jodi Jones, Betty Ann Polaha, and Mary Lee Jondahl have been previously filed and are incorporated herein by reference as though fully and completely copied *verbatim*.

4. That Green has continued his disruptive behavior by sending e-mails to members of the SNO claiming to still be president and disrupting meetings with unfounded objections relating to his claim of still being president.


5. Green's continued harassment of SNO members and officers is intentionally calculated to harass, embarrass, and intimidate the members of SNO without any appropriate factual basis.

WHEREFORE Defendants move that the Court order the dismissal of Green's Complaint as amended and Green be charged with Defendants' costs, attorney fees and all other appropriate damages.

Respectfully submitted,

Jodi Jones, Betty Ann Polaha, and Mary Lee
Jondahl

By



Howell H. Sherrod, Jr., BPR No. 842

~~Attorney for Defendants~~

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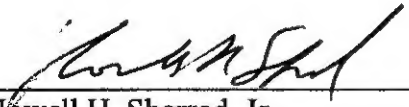
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NOTICE

Please take notice that the undersigned will appear before the Honorable G.

~~Richard Johnson in the Chancery Court for Washington County at Johnson City,~~

Tennessee, on Tuesday, August 9, 2011, at 9:00 o'clock a.m. or as soon thereafter as we may be heard on the Motion to Dismiss previously filed. Please be present if you wish to be heard.


Howell H. Sherrod, Jr.
Attorney for Plaintiff
SHERROD, GOLDSTEIN & LEE
249 East Main Street
Johnson City, Tennessee 37604
(423) 928-8321

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